

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*In re Morgan Stanley Data Security Litigation*

20-cv-5914 (AT)

**NOTICE OF MOTION TO DISMISS THE SECOND CONSOLIDATED CLASS  
ACTION COMPLAINT PURSUANT TO RULES 12(B)(1) AND 12(B)(6)**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, the declaration of Jane B. O'Brien and the exhibits annexed thereto, and all other papers and proceedings herein, defendant Morgan Stanley Smith Barney LLC, by and through its attorneys, hereby respectfully moves this Court, before the Honorable Analisa Torres, United States District Court Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, Room 15D, New York, New York 10007, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), dismissing the Second Consolidated Class Action Complaint (ECF No. 60) on a date and time to be set by the Court. The grounds for this motion are set forth in the accompanying memorandum of law.

Respectfully submitted,

Dated: Washington, D.C.  
August 9, 2021

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